

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
JESSE M. SMITH,	:
	:
Plaintiff,	08 Civ. 03432 (JSR) (DF)
	:
-against-	SCHEDULING ORDER
	:
R&J CONSTRUCTION CORP.,	:
	:
Defendant.	:
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DEBRA FREEMAN, United States Magistrate Judge:

The Court having held an initial pretrial conference on August 21, 2008 with Plaintiff, proceeding *pro se*, and counsel for Defendant; it is hereby ORDERED, as stated on the record at that conference, that:

1. If Defendant wishes to move to dismiss Plaintiff's Complaint, then the motion shall be briefed on the following schedule:
 - a. Defendant shall serve and file its motion to dismiss no later than September 12, 2008;
 - b. Plaintiff shall serve and file his opposition no later than October 17, 2008; and
 - c. Defendant shall serve and file reply papers, if any, no later than October 31, 2008.
2. If Defendant files a motion to dismiss by September 12, 2008, then discovery in this action shall be stayed pending the outcome of Defendant's motion to dismiss. If, however, upon his review of Defendant's motion, Plaintiff determines that he needs certain discovery in order to be able to respond to particular points raised in the motion, then Plaintiff should explain

this in his opposition papers, and the Court will consider, at that time, whether limited discovery is warranted.

3. If Defendant does not serve and file a motion to dismiss by September 12, 2008, then initial discovery in this action shall proceed on the following schedule:

a. the parties shall serve their initial disclosures, pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, no later than September 22, 2008; and

b. the parties shall serve any initial interrogatories, pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 33.3(a) of the Local Civil Rules, and initial document requests, pursuant to Rule 34 of the Federal Rules of Civil Procedure, no later than October 10, 2008.

4. The parties are directed to appear for a follow-up conference before the Court on Wednesday, November 19, 2008, at 11:00 a.m., at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, in Courtroom 17A.

5. If Plaintiff needs assistance in understanding any of the procedural rules of this Court, or any aspect of this Order, Plaintiff is encouraged to contact the Court's *Pro Se* Office, 500 Pearl Street, Room 230, New York, New York 10007. The telephone number for the *Pro Se* Office is (212) 805-0175.

Dated: New York, New York
August 27, 2008

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

Copies to:

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